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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,482	12/15/2003	Kenneth R. Hyme	COEC / 001P2	3496

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EXAMINER

RAEVIS, ROBERT R

ART UNIT PAPER NUMBER

2856

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,482

Applicant(s)

HYME, KENNETH R.

Examiner

Robert R. Raevis

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, how is there a spool and spring "within" (line 3) an "annular" (line 3) passage? While page 8 identifies an "annular passage 52" (line 1), the passage identified in Figure 1 as "52" is not such. While there is an annular passage in Figure 2, that passage is the annular path between the outside wall of the spool 54 and the inside wall of the spool 54. (Thus, the spool 54 aids *in defining* an annular passage.) In that event, the spool and spring are not "within" (line 1) the annular passage, but are actually surrounded by the annular passage. Regarding the "spring" (line 3), it's unclear what "annular" passage that element may be "within" (line 3). In that regard, there is an annular passage between element 62 and casing 50, but the disclosure does not label such path an "annular passage", as it does for passage 52 (which is not annular), and the claim does not include element 62 in a manner that would define an "annular passage". Either Applicant will have to delete reference to "annular" (on p. 8, line 1), and amend in a manner that the claimed elements in the sleeve provide for an annular passage, or possibly simply delete reference to annular altogether. Again, the indefiniteness begins on line 1 of p. 8, where numeral 52 is used to define a passage that is not annular, and then is multiplied in the claims by carrying such phrase therein.

As to claims 4 and 6, "annular passage" is confusing as it is not consistent with the disclosure for the reasons stated immediately above.

Claims 1,2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Webster.

As to claim 1, please look at the figure, and see a body 10 including an upper cavity that encloses a pressure relieve valve 15, the cavity having a seat 16 and upper aperture through which the valve may be received into the cavity to contact the seat; a pressure gauge 36 in communication with the cavity; a fluid inlet 29,23; fluid outlet 14; and closure 21,22 to seal the cavity. Webster's element 15 is a valve. In addition, please note that the body (i.e. after "comprising" (line 5) of the claim expressly calls for "a pressure relief valve" (underlining added, lines 7-8), making it expressly clear that this claimed apparatus is limited to an "apparatus" (line 1) that includes a cavity that is merely "configured to completely enclose [any] pressure relief valve" (lines 7-8). This is consistent with the preamble, which employs the phrase "*for testing ...passage*" (italics added, lines 1-4), suggestive that the preamble is merely a phrase of intended use.

As to claim 2, note the spring 19.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster.

As to claim 3, it would have been obvious to employ a strong body, as relieve valves are both used and tested at great pressures, requiring even greater pressure resistant bodies.

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No claim could be indicated as containing allowable material in view of excessive 112(2) issues.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ROW

RAEJL